



Judgment

4 apl553.25

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION APL NO.553 OF 2025

1. Mahavir Orasad s/o Ghevarchand
Upadhyay, aged about: 42 years, occupation:
business, r/o 8-2-603/15, Road
No.10, Banjara Hills, Hyderabad,
Telangana.

2. Ghevarchand s/o Himmat
Upadhyay, aged about: 80 years, occupation:
business, r/o 8-2-603/15, Road No.10,
Banjara Hills, Hyderabad, Telangana.

3. Padma w/o Ramanyarayan
Upadhyay, aged about: 53 years,
occupation: housewife, r/o 8-2-603/15, Road
No.10, Banjara Hills, Hyderabad,
Telangana.

4. Jaya w/o Ravi Joshi, aged about: 48
occupation: housewife, r/o taluka district
Akola.

..... **Applicants.**

:: VERSUS ::

1. State of Maharashtra, through
its Police Station of Kholapuri
Gate, Maharashtra, district
Amravati.

2. Mrs.Shilpa w/o Mahavirprasad,
Upadhyay, maiden name Shilpa d/o Vyas,

.....2/-

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aged about: 40 years, occupation: housewife,
r/o Amravati, Maharashtra. **Non-applicants.**

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Shri A.K.Tripathi, Counsel for the Applicants.

Mrs.M.A.Barabde, APP for the NA No.1/State.

None appears for the NA No.2.

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CORAM : **URMILA JOSHI-PHALKE, J.**

DATE : **25/02/2026**

ORAL JUDGMENT

1. Heard learned counsel for the respective parties.

Despite service, none appears for non-applicant No.2 (the complainant). **Admit.** Heard finally by consent.

2. By this application, applicant No.1 husband; applicant No.2 father-in-law; and applicant Nos.3 and 4 sister-in-laws are seeking quashing of FIR in connection with Crime No.009/2025 registered with the non-applicant No.1 police station for offence under Section 498-A read with 34 of the IPC and consequent proceeding arising out of the same bearing chargesheet No.101/2024.

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3. It is alleged by the complainant that her marriage was performed with applicant No.1 on 7.5.2004. Her father has incurred expenses for the said marriage. After the marriage, she resumed cohabitation at the house of applicants. For six months, she was treated well. Thereafter, she was ill-treated by all applicants. She specifically alleged that applicant Nos.2 to 4 were instigating her husband and on their instigation, applicant No.1 was torturing her physically and mentally. She also narrated specific incident of February 2022 as to the assaulted by applicant No.1 and incident dated 22.5.2022, which are also regarding the assaulted by applicant No.1.

On the basis of the said report, the police have registered the crime against all applicants.

4. Learned counsel for applicants submitted that due to matrimonial dispute between the husband and wife, the present FIR came to be lodged. This is outburst of litigation filed by the husband. As far as allegations are concerned,

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which are omnibus, vague, and general in nature. No specific instances are narrated showing ill-treatment at the hands of applicants and, therefore, no offence is made against the applicants.

In view of that, the application deserves to be allowed.

5. *Per contra*, learned APP for the State has strongly opposed the said contentions and submitted that as far as the husband is concerned, against whom specific instances are narrated by her which are substantiated by statements of other witnesses also.

Thus, a *prima facie* case is made out against applicant No.1. In view of that, the application deserves to be rejected.

6. After hearing both sides and perusing the entire investigation papers, as far as allegations against applicant No.1 is concerned, who is husband, against whom it is specifically alleged that at the instigation of other applicants, he was assaulting, abusing, humiliating, and insulting her.

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She has also narrated specific instances of February 2022 and 22.5.2022. Thus, there is specific allegations against applicant No1.

7. As far as applicant Nos.2 to 4 are concerned, admittedly, general, omnibus, and sweeping allegations are levelled against them without specifying any specific instances and without specifying any willful conduct on their part.

It is apparent that, they are implicated in the alleged offence merely because they are relatives of the husband of the complainant.

8. Perusal of the FIR and statements of various witnesses, which are stereo type in nature, shows that as far as applicant Nos.2 to 4 are concerned, only allegation against them is that they used to instigate her husband and on their instigation, the husband was ill-treating her.

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9. Thus, in absence of any specific allegations against applicant Nos.2 to 4, no *prima facie* case is made out against applicant Nos.2 to 4.

10. In view of that, the application deserves to be allowed partly:

ORDER

(1) The criminal application is **allowed partly**.

(2) The criminal application, in respect of applicant No.1, is **rejected**.

(3) FIR in connection with Crime No.009/2025 registered with the non-applicant No.1 police station for offence under Section 498-A read with 34 of the IPC and consequent proceeding arising out of the same bearing chargesheet No.101/2024 are hereby quashed and set aside to the extent of applicant Nos.2 to 4 Ghevarchand s/o Himmat Upadhyay;

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Padma w/o Ramanyarayan Upadhyay, and Jaya w/o Ravi
Joshi.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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